

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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JOSE RODRIGUEZ

U.S. DISTRICT COURT  
DISTRICT OF MASS  
Civil Action No. 04-11894-RGS

Petitioner,

vs.

MCI NORFOLK,

Respondent.

**RESPONDENT'S MOTION FOR EXTENSION OF TIME IN WHICH TO  
RESPOND TO PETITION FOR WRIT OF HABEAS CORPUS**

The respondent, MCI Norfolk, through counsel, now appears and requests an extension of the time in which it must file a motion to dismiss or other responsive pleading in response to the petition for writ of habeas corpus for a period of forty-five (45) days, up to and including May 31, 2005.<sup>1</sup> In support of the motion, the respondent states that, pursuant to this Court's order, an answer or other responsive pleading is currently due to be filed by April 13, 2005. The undersigned assistant attorney general is still awaiting receipt of the state materials concerning the petitioner's conviction, which are necessary for counsel to review before formulating an appropriate response to the petition. Moreover, between today's date and the date of the requested extension, the undersigned assistant attorney general is responsible for the following matters: filing three appellate briefs (two in the United States Court of Appeals for the First Circuit, one in the Massachusetts Appeals Court); filing a response to a petition before the Single Justice of the Massachusetts Supreme Judicial Court pursuant to M.G.L. ch. 211, § 3; filing a

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<sup>1</sup> May 31st is the first business day after the expiration of the forty-five day period.

memorandum of law on the merits of a petition for a writ of habeas corpus in the United States District Court for the District of Massachusetts; presenting oral argument in the First Circuit Court of Appeals on an appeal of the denial of a habeas petition; preparing a client to give testimony and representing the client at a hearing before the Criminal History Systems Board; and management of a number of additional ongoing litigation matters.

WHEREFORE, the respondent respectfully requests that this Court grant it until May 31, 2005, to file a responsive pleading to the petition for writ of habeas corpus.

Respectfully submitted,

MCI NORFOLK,

By its attorney,

THOMAS F. REILLY,  
ATTORNEY GENERAL

  
Maura D. McLaughlin  
Assistant Attorney General  
Criminal Bureau  
One Ashburton Place  
Boston, Massachusetts 02108  
(617) 727-2200, ext. 2857  
BBO # 634923

Dated: April 7, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 7th day of April, 2005, served a true and accurate copy of the foregoing pleading on the petitioner, Jose Rodriguez, by depositing a copy in the office repository for collection and delivery by first class mail, postage prepaid, to the petitioner at the following address: Jose Rodriguez, Prisoner No. W63370, M.C.I. Norfolk, Post Office Box 43, Norfolk, Massachusetts, 02056.

Maura D. McLaughlin  
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